

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PIERRE MICHAEL GERGIS,)	
)	
Plaintiff,)	
)	No: 3:09-0553
v.)	Judge Trauger/Bryant
)	
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
)	
Defendants.)	

TO: The Honorable Aleta A. Trauger

REPORT AND RECOMMENDATION

Plaintiff Pierre Michael Gergis, who is proceeding pro se and in forma pauperis, has filed his complaint seeking to compel the defendant to adjudicate his application for naturalization as a United States citizen (Docket Entry No. 1).

Defendants have filed their motion to dismiss the complaint as moot, on the grounds that the United States Citizenship and Immigration Services has now granted the relief requested by the plaintiff, and has approved his application for naturalization. According to the defendants' motion, plaintiff Gergis has been scheduled to appear for a Naturalization Oath ceremony on October 23, 2009 (Docket Entry No. 12).

Plaintiff has not responded to the defendants' motion to dismiss. On November 3, 2009, the Court entered an order to show cause requiring the plaintiff to show cause on or before Tuesday, November 17, 2009, why the defendants' motion to dismiss should not

be granted and the plaintiff's complaint dismissed as moot. This order further admonished the plaintiff that his failure to respond may cause the undersigned Magistrate Judge to recommend that his complaint be dismissed (Docket Entry No. 14). Despite this order to show cause, plaintiff has filed no response. On December 1, 2009, the certified mail envelope containing the above-referenced order to show cause, and addressed to plaintiff at his address of record, was returned by the Post Office marked "return to sender-unclaimed-unable to forward." (Docket Entry No. 16).

From the record it appears undisputed that plaintiff's application for naturalization was approved by the United States Citizenship and Immigration Services on September 23, 2009 (Docket Entry No. 13-1). From this undisputed record, the undersigned Magistrate Judge finds that the relief requested by plaintiff in his complaint has been granted, and, therefore, no case or controversy continues to exist between the plaintiff and the defendants. Accordingly, the undersigned Magistrate Judge finds that defendants' motion to dismiss should be **GRANTED**, and that the complaint should be **DISMISSED** as moot.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that the defendants' motion to dismiss be **GRANTED**, and that the complaint be **DISMISSED** as moot.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 15th day of December 2009.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge